

CAUSE # 1:25-cv-01683 VSB

DANIEL DE OLIVEIRA, MD

PLAINTIFF

V.

**TENET HEALTHCARE
ETT ALL**

DEFENDANTS

§
§
§
§
§
§
§
§
§
§
§

UNITED STATES DISTRICT

COURT

SOUTHERN DISTRICT OF

NEW YORK

**PLAINTIFF'S MOTION FOR CLARIFICATION REGARDING
RULE 36 REQUESTS FOR ADMISSION**

Thursday, March 13, 2025

TO THE HONORABLE COURT:

COMES NOW, Plaintiff, Daniel De Oliveira, MD, and respectfully moves this Court for clarification regarding whether Rule 36 Requests for Admission may be served simultaneously with the summons and complaint under the Federal Rules of Civil Procedure. In support of this motion, Plaintiff states as follows:

I. INTRODUCTION

1. Plaintiff has conducted research into the **Federal Rules of Civil Procedure** and has found **no explicit restriction** prohibiting a party from serving **Rule 36 Requests for Admission (RFAs) simultaneously** with the summons and complaint.

2. The Plaintiff respectfully requests clarification from this Court regarding whether he may continue to serve **Rule 36 RFAs simultaneously** with service of process to **promote judicial efficiency** and expedite resolution of this matter.

II. BASIS FOR RELIEF

3. **Federal Rule of Civil Procedure 36(a)(1)** allows a party to serve requests for admission on any other party to establish key facts regarding the case. **Rule 36(a)(3)** provides that a defendant shall have at least **45 days** to respond if served with the RFAs at the time of the summons and complaint.
4. The **Federal Rules of Civil Procedure contain no express prohibition** against serving RFAs simultaneously with the summons and complaint. Plaintiff, therefore, requests the Court's clarification on whether this practice is permissible.

III. RECENT ADMISSIONS BY DEFENDANTS IN A RELATED MATTER

5. Plaintiff presents **two important facts** for this Court's consideration:
 - a. **Recent admissions by Tenet Healthcare Corporation and its subsidiaries, VHS Harlingen Hospital Company, LLC, and Valley Baptist Realty Company, LLC, under Texas Rule 198 Requests for Admission, establish the following:**
 - They **filed lawsuits in court without jurisdiction;**
 - They **breached the contract** by failing to adhere to the binding arbitration clause;
and
 - They **sued a non-party to a contract**, thus violating legal principles governing contract enforcement.
 - b. **These admissions, combined with the Court's**

determination of jurisdiction at Cameron County Court at Law 1, effectively establish the case in favor of the Plaintiff.

6. Given these **admissions** and the judicial determination regarding jurisdiction, Plaintiff asserts that serving Rule 36 RFAs at the outset of litigation **promotes judicial efficiency** by obtaining early admissions of undisputed facts and reducing unnecessary litigation.


IV. RELIEF REQUESTED

7. Plaintiff respectfully **seeks judicial clarification** on whether, in the absence of any restriction in the Federal Rules of Civil Procedure, he may **serve Rule 36 Requests for Admission simultaneously** with the summons and complaint to promote judicial efficiency and expedite case resolution.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. **Clarify whether the Federal Rules of Civil Procedure allow** a Plaintiff to serve **Rule 36 Requests for Admission simultaneously** with the summons and complaint; and
- B. Grant such further relief as the Court deems just and proper.

Respectfully submitted,



Daniel De Oliveira, MD
Pro Se
374 East Meadow Ave, Apt C
East Meadow, NY 11554
Phone: (979) 373-4933
Email: danieldeoliveira@me.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Clarification Regarding Rule 36 Requests for Admission has been served and available to all parties and counsel of record via the CM/ECF system when uploaded to the CM/ECF system by the SDNY Clerk.



Daniel De Oliveira, MD

Pro Se

374 East Meadow Av., Apt C

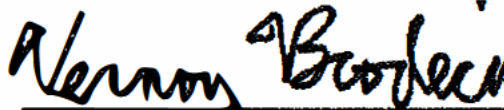
East Meadow, NY 11554

Cell: (979) 373-4933

Fax: (906) 366-8234

Email: danieldeoliveira@me.com

SO ORDERED:



HON. VERNON S. BRODERICK

UNITED STATES DISTRICT JUDGE

Date: March 17, 2025

The Court cannot provide legal advice to any party.

However, assuming Plaintiff is moving for leave to serve the admissions with the summons and complaint, Plaintiff may not do so unless and until this case proceeds to the discovery phase.